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Charles W. Ergen, Michael T. Dugan, R. Stanton
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M. Federico, Pradman P. Kaul and Joseph P. Clayton.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHESTER COUNTY EMPLOYEES'
RETIREMENT FUND, Derivatively on
Behalf of Nominal Defendant,
ECHOSTAR CORP.,

Plaintiff,

v.

CHARLES W. ERGEN,
MICHAEL T. DUGAN,
R. STANTON DODGE,
TOM A. ORTOLF
C. MICHAEL SCHROEDER,
ANTHONY M. FEDERICO,
PRADMAN P. KAUL,
JOSEPH P. CLAYTON,

Defendants,

and

ECHOSTAR CORP.,

Nominal Defendant

Case No: 2:13-cv-00325-LDG-GWF

**NOTICE OF RELATED CASE PURSUANT
TO LOCAL RULE 7-2.1**

1 The undersigned counsel of record for Defendants EchoStar Corporation, Charles W. Ergen,
2 Michael T. Dugan, R. Stanton Dodge, Tom A. Ortolf, C. Michael Schroeder, Anthony M.
3 Federico, Pradman P. Kaul and Joseph P. Clayton files the Notice, pursuant to Local Rule 7-2.1,
4 of a related case in this District.

5 On December 5, 2012, thirteen days *before* this case was filed in the United States District
6 Court for the District of Colorado, a case bearing the caption *Greg Jacobi v. Ergen, et al.*, Case
7 No 2:12-cv-02075-JCM-GWF (the “Jacobi Case”) was filed in this Court.

8 The Jacobi Case, like this case, is a stockholder derivative action brought on behalf of
9 nominal defendant, EchoStar Corporation (“EchoStar”). Both cases name members of EchoStar’s
10 board of directors as defendants. Specifically, Charles W. Ergen, Michael T. Dugan, R. Stanton
11 Dodge, Tom A. Ortolf, C. Michael Schroeder and Joseph P. Clayton are named as defendants in
12 both cases. This case also names Anthony M. Federico and Pradman P. Kaul as defendants while
13 the Jacobi Case also names David K. Moskowitz as a defendant.

14 Both cases concern the same transaction – the attempted grant of options to purchase 1.5
15 million shares of EchoStar’s Class A Common Stock to Mr. Ergen by EchoStar’s Compensation
16 Committee on March 31, 2011.

17 Both cases involve similar questions of fact and the same questions of law, including whether
18 the requirement in Federal Rule of Civil Procedure 23.1 of a pre-suit demand was excused,
19 whether the defendants breached their fiduciary duties and whether the stockholder plaintiff is
20 entitled to any relief or an award of attorney’s fees. The assignment of both cases to the same
21 district court judge and magistrate judge is likely to effect a substantial savings of judicial effort
22 and avoid potentially inconsistent judgments. Additionally, reassignment of this case to the judge
23 overseeing the earlier filed Jacobi Case would avoid the substantial duplication of labor that
24 would result if the actions were heard by different judges.

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1 DATED this 6th day of March, 2013 Respectfully submitted,

2 BROWNSTEIN HYATT FARBER SCHRECK

3
4 By: /s/ Jeffrey S. Rugg

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16 *Clayton.*

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CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), and Section IV of District of Nevada Electronic Filing Procedures, I certify that I am an employee of BROWNSTEIN HYATT FARBER SCHRECK, LLP, and that the foregoing **NOTICE OF RELATED CASE PURSUANT TO LOCAL RULE 7-2.1** was served via electronic service on March 6, 2013, to the addresses shown below:

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